

EX. BASF-5

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

IN RE: AQUEOUS FILM-FORMING FOAMS  
PRODUCTS LIABILITY LITIGATION

MDL NO. 2:18-MN-2873-RMG

This Document relates to: ALL  
CASES

**BASF CORPORATION'S OBJECTIONS & RESPONSES  
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant BASF Corporation (“Defendant” or “BASF”) hereby responds and objects to Plaintiffs’ First Set of Interrogatories (the “Interrogatories”). The responses set forth below are provided in good faith and are based upon information BASF has gathered to date. BASF may, and reserves the right to, supplement these responses with different or additional information in the future.

**OBJECTIONS TO PLAINTIFFS' INSTRUCTIONS AND DEFINITIONS**

1. BASF objects to paragraphs 1, 4, 5 and 7 of the “Instructions” in that they are overly broad and unduly burdensome because they seek to have BASF provide information that is not within BASF’s possession, custody, or control and/or attempt to impose on BASF obligations beyond those which are required under the Federal Rules of Civil Procedure. BASF further objects to these Instructions to the extent they request information that is protected from discovery pursuant to the attorney-client privilege, work product doctrine, or any other applicable privilege under state or federal law.

2. BASF objects to paragraph 6 of the Instructions and any Interrogatories that seek documents and information without limitation to the period during which BASF and its

**INTERROGATORY NO. 2**

Provide all DOCUMENTS consulted, referred to, RELATED TO, or used in responding to these Interrogatories.

**RESPONSE TO INTERROGATORY NO. 2**

BASF objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, and/or any other applicable privilege.

Subject to and without waiving this objection, BASF responds that the documents produced by BASF in its June 1, 2020 document production provided information that assisted in the preparation of these responses.

**INTERROGATORY NO. 3**

Identify all AFFF PRODUCT(S) and/or PFOA/PFOS-CONTAINING PRODUCT(S) YOU manufactured for SALE, stating for each: the trade name under which it was SOLD, the dates during which it was manufactured for SALE, and percentage of each chemical component contained within said product. IDENTIFY AFFF PRODUCTS and/or PFOA/PFOS-CONTAINING PRODUCT(S) with the same name but different contents as different AFFF PRODUCTS.

**RESPONSE TO INTERROGATORY NO. 3**

BASF objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, and/or any other applicable privilege.

BASF further objects to this Interrogatory to the extent it seeks information that is not relevant to Plaintiffs' claims or BASF's defenses. BASF further objects to this Interrogatory to the extent it seeks information that is not relevant to the time period that Ciba Specialty Chemicals or its predecessors in interest manufactured and/or sold chemical products used by manufacturers of AFFF.

Subject to and without waiving these objections, BASF responds that BASF and its predecessors in interest never manufactured or sold AFFF, PFOA, or PFOS. Further, BASF never manufactured or sold chemical products used by manufacturers of AFFF. To the extent BASF's predecessors in interest, Ciba Specialty Chemicals and/or its predecessors in interest,

designed, manufactured or sold chemical products used by manufacturers of AFFF, all such activity ceased by 2004, more than four years prior to BASF's acquisition of Ciba Specialty Chemicals in early 2009. Further, to the extent this Interrogatory is directed at information concerning PFOS, there was no PFOS in chemical products manufactured or sold by Ciba Specialty Chemicals or its predecessors in interest for use by manufacturers of AFFF.

BASF further responds that from approximately the mid-1970s to 2004, Ciba Specialty Chemicals and/or its predecessors in interest manufactured and/or sold the products listed below.

<b>Product</b>	<b>Chemical Components</b>
Lodyne F-102R	36.6% actives, 44% water, 19.4% other solvents
Lodyne F-202P	27% actives, 42.5% water, 20% butyl carbitol, 5% n-propanol
Lodyne F-204R	27% actives, 73% water
Lodyne F-214A	36.2% actives, 54% water, 9.8% other solvents
Lodyne F-304	33.5% actives, 46.2% water, 8.1% hexylene glycol; 6.1% butyl carbitol, 1.5% n-propanol, 3.8% 2-methyl-2-propanol, 0.57% sodium chloride, 0.31% magnesium sulfate
Lodyne F-306R	29% actives, 71% water
Lodyne F-312A	38% actives, 48.4% water, 13.6% other solvents
Lodyne F-404P	25% actives, 44.5% water, 20% butyl carbitol, 5% n-propanol, 4% hexylene glycol, 1.5% t-butanol
Lodyne F-408R	36.6% actives, 48.4% water, 15% other solvents
Lodyne F-410A	39.6% actives, 43.4% water, 11% hexylene glycol, 5% t-butanol
Lodyne F-612	
Lodyne F-616L	41% actives, 41% water, 7% hexylene glycol
Lodyne F-620	
Lodyne K78'220	20% actives, 55% water, 25% isopropanol
Lodyne K78'220B 20%	20% actives, 55% water, 25% isopropanol
Lodyne K78'220B 40%	40% actives, 45% water, 15% 2-methyl-2-propanol
Lodyne K81'84	30% actives, 30% water, 32% butyl carbitol, 8% n-propanol
Lodyne K81'86	20% actives, 40% water, 32% butyl carbitol, 8% n-propanol
Lodyne K85'60	
Lodyne K89'85	
Lodyne K90'90	35% actives, >61% water, <4% 2-methyl-2-propanol, 0.6% n-propanol, 0.4% hexylene glycol
Lodyne K90'90M	34% actives, 60% water, 2.7% t-butanol, 2.2% butyl carbitol
Lodyne HS-300	
Lodyne S-100	25% actives, 62% water, 10% hexylene glycol, 3% tetramethylene sulfone
Lodyne S-102	

Subject to and without waiving these objections, BASF responds that BASF and its predecessors in interest never manufactured or sold AFFF, PFOA, or PFOS. Further, BASF never manufactured or sold chemical products used by manufacturers of AFFF. To the extent BASF's predecessors in interest, Ciba Specialty Chemicals and/or its predecessors in interest, designed, manufactured or sold chemical products used by manufacturers of AFFF, all such activity ceased by 2004, more than four years prior to BASF's acquisition of Ciba Specialty Chemicals in early 2009. Further, to the extent this Interrogatory is directed at information concerning PFOS, there was no PFOS in chemical products manufactured or sold by Ciba Specialty Chemicals or its predecessors in interest for use by manufacturers of AFFF.

BASF further responds that BASF is not aware of any information responsive to this Interrogatory at this time. BASF's inquiry is ongoing, and it will produce documents responsive to this Interrogatory, if any, through a reasonable diligent search, on a rolling basis.

**INTERROGATORY NO. 13**

IDENTIFY the entity or entities from which YOU or anyone on YOUR behalf purchased fluorosurfactants, PFOS, PFOA, and/or any other PFAS for use in manufacturing YOUR AFFF PRODUCT(S), including the specific compound(s) purchased from each entity and the date(s) of those purchases.

**RESPONSE TO INTERROGATORY NO. 13**

BASF objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, and/or any other applicable privilege. BASF further objects to this Interrogatory to the extent it seeks information that is not relevant to Plaintiffs' claims or BASF's defenses. BASF further objects to this Interrogatory to the extent it seeks information that is not relevant to the time period that Ciba Specialty Chemicals or its predecessors in interest manufactured and/or sold chemical products used by manufacturers of AFFF. BASF further objects to the extent this Interrogatory seeks an analysis or summary of documents already produced or that will be produced to Plaintiffs and generally available to all

parties. BASF further objects to the extent that the burden of ascertaining such information is substantially the same for Plaintiffs as for BASF.

Subject to and without waiving these objections, BASF responds that BASF and its predecessors in interest never manufactured or sold AFFF, PFOA, or PFOS. Further, BASF never manufactured or sold chemical products used by manufacturers of AFFF. To the extent BASF's predecessors in interest, Ciba Specialty Chemicals and/or its predecessors in interest, designed, manufactured or sold chemical products used by manufacturers of AFFF, all such activity ceased by 2004, more than four years prior to BASF's acquisition of Ciba Specialty Chemicals in early 2009. Further, to the extent this Interrogatory is directed at information concerning PFOS, there was no PFOS in chemical products manufactured or sold by Ciba Specialty Chemicals or its predecessors in interest for use by manufacturers of AFFF.

BASF further responds that Ciba Specialty Chemicals and/or its predecessors in interest purchased the following telomers from DuPont at various times:

- Zonyl Telomer A
- Zonyl Telomer AN
- Zonyl Telomer AL
- Zonyl Telomer B
- Zonyl Telomer BN
- Zonyl Telomer BH

BASF's inquiry is ongoing, and it will produce documents responsive to this Interrogatory, if any, through a reasonable diligent search, on a rolling basis.

**INTERROGATORY NO. 14**

IDENTIFY the distributor or distributors from which YOUR AFFF PRODUCTS were sold to PERSONS that purchased YOUR AFFF PRODUCTS for final use.

**RESPONSE TO INTERROGATORY NO. 14**

BASF objects to this Interrogatory to the extent it seeks information protected by the attorney-client privilege, attorney work product doctrine, and/or any other applicable privilege.